UNITED NATIONS

CEDAW

Convention on the Elimination of All Forms of Discrimination against Women

Distr.
GENERAL

CEDAW/C/SR.334
26 March 1998

ORIGINAL: ENGLISH

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Seventeenth session

SUMMARY RECORD OF THE 334th MEETING

Held at Headquarters, New York,
on Monday, 7 July 1997, at 10 a.m.

Chairperson: Ms. KHAN

CONTENTS

OPENING OF THE SESSION

SOLEMN DECLARATION BY THE NEW MEMBER OF THE COMMITTEE

ADOPTION OF THE AGENDA AND ORGANIZATION OF WORK

REPORT OF THE CHAIRPERSON ON ACTIVITIES UNDERTAKEN BETWEEN THE SIXTEENTH AND SEVENTEENTH SESSIONS OF THE COMMITTEE

IMPLEMENTATION OF ARTICLE 21 OF THE CONVENTION

WAYS AND MEANS OF EXPEDITING THE WORK OF THE COMMITTEE

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The meeting was called to order at 10.50 a.m.

OPENING OF THE SESSION

1. The CHAIRPERSON declared open the seventeenth session of the Committee on the Elimination of Discrimination against Women (CEDAW).

2. Ms. TIMOTHY (Representative of the Secretary-General) said that the current session was a historic occasion, as it was the first time the Committee was meeting for the second time in a single year. The General Assembly had approved the holding of two sessions annually as an interim measure pending the acceptance, by two thirds of the State parties to the Convention on the Elimination of All Forms of Discrimination against Women, of the proposed amendment to article 20, paragraph 1, of the Convention. Although only 14 States parties had accepted the proposed amendment thus far, the holding of two sessions a year should facilitate the Committee's work.

3. Since the Committee's last session, five more countries had become parties to the Convention: Kyrgyzstan, Switzerland, Mozambique, Lebanon and Turkmenistan. In addition, the open-ended working group which the Commission on the Status of Women had established to elaborate an optional protocol to the Convention had made significant progress at its March 1997 meeting. It had considered a draft prepared by its chairperson on the basis of the Committee's suggestion 7, adopted at its fourteenth session, and the comments of States parties thereon. The contribution of Ms. Cartwright, the Committee member who had served as a resource person for that working group, had been of great value.

4. To mark the fiftieth anniversary of the establishment of the Commission on the Status of Women, the Secretary-General had addressed the Commission during its forty-first session and had highlighted the Convention on the Elimination of All Forms of Discrimination against Women as one of the Commission's central achievements.

5. At its next session, the Commission on the Status of Women would review four critical areas of concern from the Platform for Action adopted at the Fourth World Conference on Women, which were also of central importance to the Committee: violence against women, women and armed conflict, human rights of women and the girl child. To help prepare for the Commission's next session, the Division for the Advancement of Women would convene expert group meetings on those issues; it would welcome the Committee's insights on the substance of those meetings.

6. The year 1998 would mark both the fiftieth anniversary of the Universal Declaration of Human rights and the fifth anniversary of the second World Conference on Human Rights, held in Vienna, at which the importance of the Convention and the Committee had been highlighted and the development of an optional protocol had been recommended. To prepare for those anniversaries, the Division for the Advancement of Women was working with many of the non-governmental organizations that had successfully lobbied for recognition of women's rights as human rights at the Vienna Conference; the Committee might wish to reflect, at its current session, on how it would mark those events.

7. In accordance with the request made by the Committee at its sixteenth session, the Secretariat would facilitate meetings with non-governmental organizations beginning at the current session. She congratulated the members of the pre-session working group on the results of their efforts, and noted that the Committee might wish to reflect further on the approach of that working group and, in particular, on how the Division for the Advancement of Women could be of assistance to it.

8. Although the Committee had decided at its preceding session that its pre-session working group should meet immediately after each session, instead of immediately before, and the Secretariat had made arrangements to accommodate that change, not enough members would be available to attend a pre-session working group meeting immediately after the current session. Consequently, the Committee might wish to reconsider when to introduce that innovation.

9. A report on enhancing the long-term effectiveness of the United Nations human rights treaty bodies had been prepared by an independent expert and submitted to the Commission on Human Rights, which, in turn, had invited the Secretary-General to solicit views on the report. She looked forward to receiving the Committee's comments on the report's recommendations, for subsequent transmittal to the Commission at its next session. Lastly, she wished the Committee every success at its current session.

SOLEMN DECLARATION BY THE NEW MEMBER OF THE COMMITTEE

10. Ms. Sinegiorgis, the re-elected member of the Committee, made the solemn declaration provided for in rule 10 of the Committee's rules of procedure.

ADOPTION OF THE AGENDA AND ORGANIZATION OF WORK (CEDAW/C/1997/II/1)

11. The CHAIRPERSON said that the officers of the Committee recommended that the recently submitted third periodic report of Italy should be considered on the basis of the original English text only, on an exceptional basis.

12. The agenda was adopted.

REPORT OF THE CHAIRPERSON ON ACTIVITIES UNDERTAKEN BETWEEN THE SIXTEENTH AND SEVENTEENTH SESSIONS OF THE COMMITTEE

13. The CHAIRPERSON said that the interim measure authorizing the Committee to meet twice a year had removed a serious impediment to the Committee's effective performance. The only United Nations-sponsored activity which she had attended in her capacity as Chairperson of the Committee had been the forty-first session of the Commission on the Status of Women, whose open-ended working group on a draft optional protocol to the Convention had been of particular interest to the Committee. She congratulated Ms. Cartwright on her excellent performance in that working group and asked her to report to the Committee on the outcome of its deliberations.

14. The Commission had adopted agreed conclusions based on panel discussions and exchanges of views among Governments. The critical area of the Platform for Action which the Commission had considered included women and economy, women and environment, women in power and decision-making, and the education and training of women. Moreover, the Commission had adopted eight resolutions addressing issues such as trafficking in women and girls, women in armed conflicts and violence against women migrant workers.

15. In April 1997 she had participated in an international round table on equal opportunities for women, held in Amman, Jordan. The discussions had focused on strategies for action in the areas of law, political processes and social and cultural norms; all three topics had been discussed in the light of the Convention. Her presentation had focused on the Convention in relation to Muslim countries. The round table had recommended that the Convention should be ratified without reservations and that enforcement and monitoring mechanisms for the Convention should be strengthened at the international level.

16. In May 1997 she had attended a round table in New Delhi, India, on the reform of the United Nations system and had given a presentation on the role of civil society in the implementation of the Convention. The round table had recommended, inter alia, that the United Nations should give individuals and organizations opportunities to petition for action to redress wrongs that could endanger people's security; that idea was very much in line with the draft optional protocol to the Convention

17. In February 1997 she had been invited by the Government of the Islamic Republic of Iran to give a presentation on the Convention and the Committee; that had been the first time any Committee member had been invited to that country in that capacity. The invitation had demonstrated the Iranian Government's interest in the Convention as a human rights instrument, and could mean that the Islamic Republic of Iran intended to ratify the Convention in the near future.

18. In May 1997 she had visited South Africa at the invitation of a non-governmental organization and had participated in three workshops to explain the Committee's working procedures and to share her experiences in the provision of training on the subject of the Convention. An informal meeting in which many tribal chiefs had participated had represented a sincere attempt by the South African Government to sensitize community leaders to the Convention and its implications with regard to discriminatory common laws prevailing in the region.

19. She had also participated in a number of workshops, seminars and training programmes on the Convention, including the preparation of training manuals, in her own country, Bangladesh.

20. With respect to her contacts with Committee members, Ms. Cartwright had submitted a number of suggestions on procedures for developing general recommendations, which had been supported by Ms. González and Ms. Shalev. Moreover, Ms. Shalev had prepared a draft general recommendation on health and a paper on the reporting system in the Committee.

21. The Committee's relations with non-governmental organizations had been strengthened. Those organizations helped to spread awareness of the Committee

and to develop strategies for implementing the Convention. In particular, International Women's Rights Action Watch (IWRAW) had again prepared an analytical report on the countries whose reports would be considered at the current session. Many non-governmental organizations had asked that the draft optional protocol to the Convention should be circulated more widely so that they could provide inputs and encourage Governments to adopt it.

22. The revision of the Committee's rules of procedure, especially in the light of the draft optional protocol, was one of the most important tasks before the Committee at its current session. Lastly, although 160 countries had ratified the Convention, only 65 had prepared a national plan of action in the context of the Platform for Action adopted at the Fourth World Conference on Women. The Committee must see that the Platform for Action was implemented nationally and globally as a fulfillment of the provisions of the Convention.

23. Ms. CARTWRIGHT said that the draft optional protocol to the Convention, which had been considered by the open-ended working group of the Commission on the Status of Women, was a means by which complaints of violations by States parties of the provisions of the Convention or their failure to implement those provisions could be communicated directly to the Committee. Three other human rights instruments (the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination) already had similar mechanisms.

24. The working group of the Commission on the Status of Women had made enormous progress on the draft optional protocol. However, some major issues had not yet been resolved and would be discussed further at the next working group meeting in March 1998. For example, the question of who was eligible to submit a communication had not yet been settled. One view held that only those who were directly affected by a State party's non-compliance with the Convention should be allowed to submit communications, while the Committee had expressed the view, on various occasions, that groups should be allowed to submit communications on behalf of those affected.

25. The adoption of the draft optional protocol would have major implications in the area of resources, as additional meeting time to allow for consideration of communications would be necessary. There was also support for an inquiry procedure, whereby the Committee could initiate the process of examining a particular situation, with the cooperation of the State party, of course.

26. Work would soon begin on the rules of procedure for the draft optional protocol, as early as the next session of the working group. They were expected to be ready for adoption by 1998 or 1999.

27. Ms. CORTI reported on the seventh meeting of persons chairing the human rights treaty bodies and the meeting of Special Rapporteurs on human rights, as well as the consideration of issues relating to women at the fifty-third session of the Commission on Human Rights. In her statement to the Commission on behalf of the persons chairing the human rights treaty bodies, she had stressed their lack of visibility and had asked the Commission to give more attention to their work. For example, CEDAW had not been invited to participate in the preparatory work for the Fourth World Conference on Women, nor had the relevant treaty

bodies been involved in preparations for the World Conference on Human Rights and the World Summit for Social Development. It was evident that the United Nations system must review the role of such bodies.

28. She had also represented the Committee at the meeting of Special Rapporteurs on human rights, but unfortunately the Special Rapporteur on violence against women had not been present. The Committee must follow the example of other treaty bodies and increase its efforts to establish a closer working relationship with the Special Rapporteur, which would be of direct interest to its work and of mutual benefit.

29. Like the other treaty bodies, the Committee must maintain constant contact with the Centre for Human Rights, and should work within the Commission on Human Rights to bring greater attention to issues affecting women.

30. Ms. GONZÁLEZ agreed that the relationship between the Committee and the Commission on Human Rights was very important, and asked the Secretariat to provide members with copies of resolutions of the Commission on Human Rights as well as the Commission on Crime Prevention and Criminal Justice which were related to its work.

31. Ms AOUIJ said that contacts and cooperation between the Committee and the Special Rapporteur on violence against women could help to relieve the suffering of the world's women. In fact, all Special Rapporteurs should be sensitized to women's issues and should be asked to incorporate a gender perspective into their work.

32. With regard to questions prepared by the pre-session working group, she would welcome the possibility of incorporating questions submitted by non-governmental organizations, and asked that the possibility should be considered during the review of the rules of procedure.

33. Ms. BUSTELO GARCIA DEL REAL said that she would welcome more details on article 2 of the draft optional protocol, as the question of standing was, in her view, of the highest importance. She also wondered whether the draft optional protocol would allow the submission of communications regarding violence against women.

34. The Committee should make more effective use of the work of the Special Rapporteur on violence against women. Perhaps her reports could be used as a guide in formulating more relevant questions on State parties' reports.

35. Ms. CARTWRIGHT said that the original debate regarding the proposal under article 2 had been whether to limit standing to individuals or groups of women directly affected by violations of human rights or failure to implement the terms of the Convention, or to permit groups or organizations to lodge complaints on behalf of such women. The working group had been given a great deal of information emphasizing the need to allow the latter alternative, in view of the nature of violations of women's rights. That debate had yet to be resolved, and would continue at the next session of the Commission on the Status of Women.

36. With respect to the ability to lodge complaints about violence against women, she said that while such violence was not specifically mentioned as a violation of human rights in the Convention itself, general recommendation 19 had interpreted the Convention to imply that violence against women constituted a human rights violation. In the course of developing its rules of procedure, the Committee should be able to refer to that general recommendation in allowing such complaints to be addressed.

37. Ms. ABAKA inquired as to whether the Special Rapporteur on traditional practices had attended the meeting of Special Rapporteurs, and recalled the Committee's decision at its previous session to develop closer working relationships with the Special Rapporteur in its field of concern.

38. Ms. CORTI said that neither the Special Rapporteur on traditional practices nor the Special Rapporteur on minorities had attended the meeting, which in any case had not dealt with the work of Special Rapporteurs in the Committee's field of concern. However, the Special Rapporteurs had expressed general dissatisfaction with their substantive status within the Organization, and the apparent lack of an organic relationship between them and the United Nations.

39. Secondly, she inquired as to whether the Division for the Advancement of Women envisaged the participation of the Committee in the meetings the Division was preparing, as described by Ms. Timothy.

40. Finally, she stressed the need for members of the Committee to receive reports from States in a timely manner and in all official languages, especially in view of the increasing length and complexity of such reports.

41. Ms. SHALEV said that Geneva would be a better location for the Committee, in view of the presence of other United Nations human rights bodies there. She also asked why the comments of other human rights treaty bodies on the reports of States parties to the Convention had not been made available to members of the Committee for the current session.

42. Ms. AOUIJ, responding to Ms. Cartwright's comments on the status of violence against women in the Convention, said that the optional protocol should clearly deal with the recommendations of the Committee as well as the provisions of the Convention itself, as those recommendations constituted the Committee's jurisprudence. She also called on the Secretariat to ensure the timely submission and translation of the reports of States parties.

43. Ms. CARTWRIGHT said that, while the Committee's general recommendations indeed constituted pat of the jurisprudence that had been developed under the Convention, such recommendations did not have the same legal force as the articles of the Convention itself. Therefore, it was the Committee's responsibility to ensure that any matters that had been the subject of a general recommendation which might give rise to a complaint under the optional protocol should be processed in the same way as complaints arising under articles of the Convention.

44. Ms. JAVATE DE DIOS (Rapporteur) said that the Committee should anticipate future developments regarding acceptance of the optional protocol by taking time to discuss some of the remaining substantive and procedural issues. The

Committee should also work to strengthen and regularize its relationships with other treaty bodies by, for example, informing them of emerging trends on the basis of the reports of States parties under review by the Committee. Moreover, the Committee should maintain its close contacts with the various non-governmental organizations and clarify the nature of its relationships with them.

45. Ms. GONZÁLEZ stressed the need to deal with the problems of the large number of reports pending and the voluminous size of the reports received, with a view to achieving the objective of eliminating the backlog; the issues could be taken up in the working groups. It was the Committee which had requested States parties for more detailed information, including statistical information, and she considered such information very useful. She was concerned about the late submission of reports, however, and the non-availability of reports, in all the working languages.

46. One problem faced by special rapporteurs was that there was no contact between them; moreover, in many cases the Commission on Human Rights did not even take up their reports, so that the special rapporteurs did not know whether they were on the right course, and there was duplication of work.

47. Ms. ABAKA said that it was possible that the Special Rapporteur on violence against women, and the special rapporteurs concerned with traditional practices and minorities, had not been invited to the meeting of special rapporteurs; if so, the organizers must be informed of the need to invite them. There could be no discrimination in that respect.

48. Ms. CORTI said that all the special rapporteurs had been invited to the meeting of special rapporteurs. The Committee would have to see how the three special rapporteurs in question were able to justify their absence.

49. Non-governmental organizations were very important to the Committee's work; the Committee should include provisions in its rules of procedure about its relationship with non-governmental organizations.

50. Ms. TIMOTHY (Deputy Director of the Division for the Advancement of Women) said that it was envisaged that 8 to 10 members of the Committee would participate in the expert group meetings to be held in preparation for the forty-second session of the Commission on the Status of Women; the Committee would also participate in the celebration of the fiftieth anniversary of the Universal Declaration of Human Rights. The representatives would be selected by the Secretary-General, bearing in mind the need for equitable geographical distribution; there would be consultations with the Chairperson in that respect.

51. The concluding comments and observations by other treaty bodies would be made available during the course of the day. At the afternoon meeting, the Committee would be briefed on the status of documentation and would be given a timetable for receipt of documentation in all languages.

52. On the question of the relationship of special rapporteurs to the Committee, she said that the reports of the Special Rapporteur on violence against women had been sent to all members of the Committee. The Secretariat agreed that much needed to be done to improve the relationship between special

rapporteurs and the United Nations - an issue which was not limited to areas in which the Committee was interested. The Secretariat was committed to improving that relationship.

53. On the question of the need for the Committee to be more closely aligned with other treaty bodies, the primary mechanism was the meetings of chairpersons of treaty bodies. The Division contributed actively to the preparations for those meetings. The first meeting of representatives of human rights treaty bodies to take up a specific subject area had been held in Glen Cove, United States, in December 1996, and it was to be hoped that there would be other such meetings.

54. The Director of the Division for the Advancement of Women had addressed the Human Rights Committee earlier in the year; the Secretariat was also making efforts to establish links with the Committee on Economic, Social and Cultural Rights as part of the mainstreaming of women's issues in the human rights treaty regime.

IMPLEMENTATION OF ARTICLE 21 OF THE CONVENTION

WAYS AND MEANS OF EXPEDITING THE WORK OF THE COMMITTEE

55. Ms. CONNORS (Chief of the Women's Rights Unit, Division for the Advancement of Women) recalled that, at its tenth session, the Committee had decided that, under item 6, it would provide opportunities for specialists from the specialized agencies and other United Nations bodies to present to the Committee information related to specific articles of the Convention or to issues being considered for general recommendations and suggestions. It had also decided to select and to review specific articles and other issues to be considered at subsequent sessions as a long-term programme, without prejudice to any changes that might be necessary as a result of new developments and priorities.

56. At its sixteenth session, the Committee had adopted a general recommendation on articles 7 and 8 of the Convention; the final text of the recommendation was before the Committee in document CEDAW/C/1997/II/5.

57. The Committee also had before it a note by the Secretary-General on reports provided by specialized agencies of the United Nations on the implementation of the Convention in areas falling within the scope of their activities, in document CEDAW/C/1997/II/3 and Add. 1-4.

58. With regard to agenda item 7, at its twelfth session, the Committee had decided that the Secretariat should prepare every year, as a pre-session document, a report on ways and means of improving the work of the Committee. In view of the fact that the Committee had been authorized to hold two sessions annually, the Secretariat had decided to provide the Committee with a report on ways and means at each session. The Committee therefore had before it a report by the Secretariat on ways and means of expediting the work of the Committee, in document CEDAW/C/1997/II/4. The report of the independent expert on effective functioning of bodies established pursuant to United Nations human rights instruments, which was mentioned in section XI of the report, had been issued to the Committee for information and comments. The report by the Secretariat

included, in annex I, a list of States parties the reports of which were overdue five years, as requested by the Committee at its previous session, and, in annex II, the proposed procedures and format for the elaboration of concluding comments, based on guidelines adopted by the Committee at its sixteenth session.

59. The Committee would also have before it, in document CEDAW/C/1997/WG.1/WP.1, a working paper containing the draft rules of procedure. She recalled that, at its sixteenth session, the Committee had decided to continue its review of the draft rules of procedure, and had invited further comments from members of the Committee.

The meeting rose at 1 p.m.